

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

THOMAS EARL BRADSHAW,

Petitioner,

v.

TONY PARKER, Warden,

Respondent.

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**No. 3:09-cv-0987
Judge Trauger**

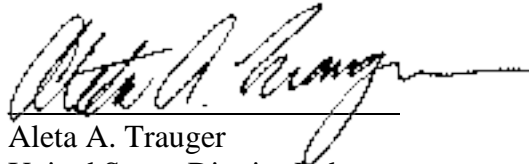
ORDER

The court has before it a Report and Recommendation (R&R) entered on July 13, 2010, recommending that the petition be denied and this action be dismissed (Docket No. 43), and the petitioner's timely objections thereto (Docket No. 54).

In accordance with the Memorandum contemporaneously entered, the court has reviewed the pleadings and the record de novo and finds that, as to the matters addressed in the R&R, the petitioner's objections lack merit. Therefore, the petitioner's objections are **OVERRULED**. As to the matters addressed in the R&R, the R&R is **ADOPTED AND APPROVED**.

However, as to the petitioner's objection that the court has not yet considered one of the petitioner's claims, the petitioner's objection is **SUSTAINED**, and the case is **RECOMMITTED** to the Magistrate Judge for the specific purpose of considering the petitioner's claim of ineffective assistance of counsel based on his attorney's alleged failure to investigate and present mitigating evidence pertaining to the petitioner's mental health at the petitioner's sentencing hearing.

It is so **ORDERED**.


Aleta A. Trauger
United States District Judge